

ORDINANCE 2002-035

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: ARTICLE 6, ZONING DISTRICTS, TO REVISE PLANNED DEVELOPMENT DISTRICTS; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

WHEREAS, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

WHEREAS, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

WHEREAS, current information and increased population require re-evaluation and adoption of updated development standards; and

WHEREAS, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions and propose amendments to resolve new or outstanding issues and comply with the Comprehensive Plan, State Statutes and federal law; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of public welfare to ensure developments are constructed and continuously operated in accordance with the Unified Land Development Code, conditions of approval and adequate public facilities; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of public welfare to preserve the status quo by allowing limited real estate sales offices in planned unit developments where the residents are accustomed to having such services; and

WHEREAS, the provision of such currently existing services helps to limit traffic on adjacent roadways; and

WHEREAS, the proposed amendments to the ULDC have been reviewed by the Citizens Task Force at public meetings and recommendations of the Citizens Task Force were forwarded to the Board of County Commissioners; and

WHEREAS, the Citizens Task Force, sitting as the Land Development Regulation Commission, did not find this amendment to be consistent with the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners finds that this amendment to the Unified Land Development Code is consistent with the Comprehensive Plan; and

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Changes between first and second reading and changes made at second reading are

double-underlined.

Relocated language is shown as *italicized with reference (6.4.D.35.a.) in parentheses*.

1
2 **WHEREAS**, the Board of County Commissioners determines the proposed
3 amendments will improve the procedures and standards of the Unified Land Development
4 Code; and

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6 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
7 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

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9 The Unified Land Development Code of Palm Beach County is amended as follows:

10
11
12 **PART 1**

13
14 **Section 6.8.B.6, Land Uses, is hereby amended to add and delete language as**
15 **follows:**

16
17 **6. Land uses.**

18 **a. Pods. ...**

- 19 **(1) Recreation. ...**
20 **(2) Civic pod. ...**
21 **(3) Residential pod. ...**
22 **(4) Optional Residential (OR) pod. ...**
23 **(5) Commercial pod. ...**
24 **(6) Architectural design. ...**
25 **(7) Mixed-Use pod. ...**
26 **(8) AGR-PUD Preservation Area. ...**

- 27 **b. Supplementary use standards.** The standards of Sec. 6.4.D (Supplementary
28 Use Regulations) and the standards listed below shall apply within the PUD,
29 unless specifically waived or modified by the terms of the development order for
30 the PUD. Permits for real estate sales offices and sales models, gatehouses,
31 entry features and utilities may be issued prior to recording a final plat but not
32 before a final site plan/final subdivision plan is approved by the Development
33 Review Committee.

- 34 **(1) Residential pods.** Land uses within a residential pod shall comply with the
35 following standards:

- 36 **(a) Accessory uses and structures.** The following accessory uses in
37 permanent or temporary structures shall be permitted in a PUD
38 according to the following standards.

- 39 **1) Permanent structures. Real estate sales office, planned**
40 **development,** means, for the purpose of Section 6.8, an
41 office for the sale and resale of new and existing residential
42 units in a planned development.

- 43 **a) Permanent.** A permanent real estate sales office is
44 permitted in a commercial pod.

- 45 **b) Temporary, pod.** A temporary real estate sales office for
46 the sale of only new units shall be permitted in a residential
47 pod or other temporary location approved by the DRC.
48 Sales shall be limited to only new units in the pod. A
49 temporary sales office in a mobile home shall be subject to
50 Section 6.6. (Temporary structures). Sanitary facilities shall
51 be available in the office. A temporary real estate sales
52 office shall be removed from the site prior to the issuance of
53 the CO for the last remaining unit in the pod. Temporary
54 access to the sales office may be permitted, subject to
55 approval by the DRC. The temporary access shall be limited
56 to one year, unless extended by the DRC.

- 57 **c) Temporary, project.** A temporary real estate sales office
58 for the sale and resale of units in the entire project, or phase

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of a project, shall be permitted in a private civic pod, commercial pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a mobile home shall be subject to Section 6.6.B., Temporary structures. Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase consisting of three hundred (300) or more units. Sales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC.

Resale of existing units shall cease when the remaining number of units without a CO in the project or phase, as applicable, reaches the following:

| No. Units in Project or Phase | Units Remaining w/out a CO |
|-------------------------------|-------------------------------|
| 1000 or more | 20 |
| 500-999 | 16 |
| 300-499 | 12 |

- 2) **Sales Model, planned development** means a residential unit used for the sale of only new units within a residential pod of a planned development.
- a) **General.** A maximum of eight (8) sales models may be constructed prior to platting. Subdivision approval of the sales model lots by the DRC shall be required prior to issuance of a building permit. Sales models shall comply with all applicable property development regulations prior to issuance of a certificate of occupancy (CO). A sales model may be used as a temporary real estate sales office.
- i) **Parking.** A minimum of two (2) parking spaces per model shall be provided. The parking area shall comply with Section 7.2 (Off-street parking regulations).
- ii) **Duration.** The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.
- b) **Residential pod.** A maximum of eight (8), or twenty (20) percent of the number of units in the pod, whichever is less, shall be permitted as sales models.
- c) **Model rows.** Planned developments comprised of a total of three hundred (300) or more units may construct a model row for the project.
- i) **Number.** A maximum of sixteen (16) sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three (3) pods under development, consisting of a minimum of sixty (60) units each.
- ii) **Location.** A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by the ULDC.

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iii) **Use.** A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited.

- 3) **Noncomplying sales offices.** All A real estate sales offices office in a planned unit development, which is not in compliance with Section 6.8.B.6.b as of May 23, 2002, which do not comply with this Section close within twenty-one (21) months of the effective date of the ordinance amending this Section. shall be allowed in its current location provided that:
- a) the site cannot be converted to a commercial pod on or before May 23, 2003; and,
 - b) the sales office complies with the following standards:
 - i) **Maximum Size:** one thousand five hundred (1500) gross square feet.
 - ii) **Maximum Number of Office Personnel at Any Time:** three (3).
 - iii) **Sales:** limited to sale or resale of units within the PUD only.
 - iv) **Special Use Approval:** required prior to issuance of an occupational license in accordance with Sec. 5.5.
 - v) **Special Use Renewal:** annual renewal is required.
 - vi) **Access:** prior to the issuance of a special permit, HOA by-laws shall be amended to guarantee outside realtors access to the community.
 - vii) **Other Businesses:** no accessory uses to a real estate sales office allowed under Section 6.8.B.6.b.(1)(a)3) shall be allowed on site.

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PART 2. CAPTIONS: The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 3. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

PART 4. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

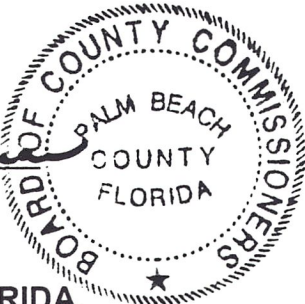
PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE: The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

PART 6. EFFECTIVE DATE: The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 20 day of August, 2002.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: Linda C. Hickman
Deputy Clerk



**PALM BEACH COUNTY, FLORIDA,
BY IT'S BOARD OF COUNTY COMMISSIONERS**

By: Warren H. Newell
Warren H. Newell, Chairman

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: [Signature]
County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 20, 2002.
DATED at West Palm Beach, FL on 9/19/02.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.

**EFFECTIVE DATE: Filed with the Department of State on the 28 day of
August, 2002**

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